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Joseph Thomas O'Neil

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Samuel H. Dworetsky

AT&T CORP.

P.O. Box 4110

Middletown, NJ 07748-4110

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/832,066 | <b>Applicant(s)</b><br>O'NEIL, JOSEPH THOMAS |  |
|                              | <b>Examiner</b><br>Sharad Rampuria   | <b>Art Unit</b><br>2683                      |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-36 and 41-68 is/are pending in the application.
- 4a) Of the above claim(s) 1-27 and 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-36 and 41-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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***Response to Amendment***

Applicant's arguments with respect to claims 28-36, 41-68 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-27, 37-40 are cancelled.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 28-29, 36, 41-43, & 53-55 are rejected under 35 U.S.C. 102 (e) as being anticipated by Brown et al. [US 6690940] (hereinafter Brown)

28. Regarding Claim 28, Brown disclosed a method for controlling the use of at least one personal communications device in a vehicle (12p, 12d, 40; fig.2; abstract, col.1; 8-11, col.3; 25-39, col.7; 63-col.8; 14), the method comprising;  
at a controller in said vehicle, deriving information relating to the geographic location of said vehicle, (col.8; 15-32)

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at said controller in said vehicle, deriving information relating to restrictions on the use of personal communications devices in at least one geographic region, (col.1; 47-63, col.6; 32-58)

at said controller in said vehicle, determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions, (col.1; 64-col.2; 2, col.6; 32-58)

transmitting a message from said controller in said vehicle to said at least one personal communications device imposing restrictions on use of each said personal communications device while said predetermined relationship exists. (col.2; 3-8, col.5; 9-61, col.6; 32-58)

29. Regarding Claim 29, Brown disclosed The method of claim 28 wherein said deriving information relating to the geographic location of said vehicle comprises deriving information from a global positioning satellite (GPS) receiver in said vehicle. (col.6; 59-67)

36. Regarding Claim 36, Brown disclosed The method of claim 28 wherein said determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said geographic regions that includes said geographic location of said vehicle. (col.1; 64-col.2; 2, col.6; 32-58)

41. Regarding Claim 41, Brown disclosed, a method for controlling the use of a wireless personal communications device in a vehicle (12p, 12d, 40; fig.2; abstract, col.1; 8-11)  
deriving information relating to the geographic location of said personal communications device, (col.1; 47-63, col.6; 32-58)

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deriving information relating to restrictions on the in-vehicle use of personal communications devices in each of a plurality of geographic regions, (col.1; 47-col.2; 19, col.6; 32-58)

determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions, (col.1; 47-col.2; 19, col.6; 32-58)

determining whether the personal wireless communications device is being used in a vehicle, (col.7; 63-col.8; 14)

determining restrictions on the in-vehicle use of said personal communications device while said predetermined relationship exists. (col.2; 3-8, col.5; 9-61, col.6; 32-58).

42. Regarding Claim 42, Brown disclosed The method of claim 41, wherein the step of determining whether the personal wireless communications device is being used in a vehicle comprises receiving in the device information transmitted from a controller in the vehicle. (col.8; 15-32)

43. Regarding Claim 43, Brown disclosed The method of claim 41 wherein said deriving information relating to the geographic location of said personal communications device comprises deriving information from a global positioning satellite (GPS) receiver. (col.6; 59-67)

53. Regarding Claim 53, Brown disclosed The method of claim 41 wherein said determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said

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geographic regions that includes said geographic location of said personal communications device. (col.1; 64-col.2; 2, col.6; 32-58)

54. Regarding Claim 54, Brown disclosed The method of claim 41 wherein said determining of restrictions on use of said personal communications device comprises selecting a predetermined set of restrictions from among those restrictions applicable within respective geographic regions in which said personal communications device is located. (col.1; 64-col.2; 2, col.6; 32-58)

55. Regarding Claim 55, Brown disclosed The method of claim 41 wherein said selecting a predetermined set of restrictions comprises selecting said predetermined set of restrictions subject to at least one condition. (col.1; 64-col.2; 2, col.6; 32-58).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-35, 46-52, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Lambert et al. [US 6470447] (hereinafter Lambert)

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30. Regarding Claim 30, Brown disclosed all the particulars of the claim except accessing a database. However, Lambert teaches in an analogous art, that The method of claim 28 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions (col.6; 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include accessing a database in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

31. Regarding Claim 31, Brown disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

32. Regarding Claim 32, Brown disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions

comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

33. Regarding Claim 33, Brown disclosed The method of claim 32 wherein said customer is a user of said personal communications device. (12; fig.1; col.3; 66-col.4; 5)

34. Regarding Claim 34, Brown disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 32 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

35. Regarding Claim 35, Brown disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 28 wherein said plurality of regions comprises all regions in a



governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

46. Regarding Claim 46, Brown disclosed all the particulars of the claim except accessing a database. However, Lambert teaches in an analogous art, that The method of claim 41 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions (col.6; 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include accessing a database in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

47. Regarding Claim 47, Brown disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 46 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the

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performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

48. Regarding Claim 48, Brown disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 46 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

49. Regarding Claim 49, Brown disclosed The method of claim 48 wherein said customer is a user of said personal communications device. (12; fig.1; col.3; 66-col.4; 5)

50. Regarding Claim 50, Brown disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 48 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having

supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

51. Regarding Claim 51, Brown disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 46 wherein said restrictions further comprise restrictions imposed by a user or a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

52. Regarding Claim 52, Brown disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 41 wherein said plurality of regions comprises all regions in a governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the

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performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

56. Regarding Claim 56, Brown disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 55 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for originating predetermined classes of communications. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

57. Regarding Claim 57, Brown disclosed The method of claim 56 wherein said predetermined classes of communications comprises emergency communications. (col.5; 1-8).

58. Regarding Claim 58, Brown disclosed all the particulars of the claim except at least one condition comprises an exemption from restrictions on use of said personal communications device for receiving predetermined classes of communications. However, Lambert teaches in an analogous art, that The method of claim 56 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for receiving predetermined classes of communications. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include at least one

condition comprises an exemption from restrictions on use of said personal communications device for receiving predetermined classes of communications in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

Claims 44-45, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Weisshaar et al. [US 6580916] (hereinafter Weisshaar).

44. Regarding Claim 44, Brown disclosed all the particulars of the claim except GPS receiver is included in said personal communications device. However, Weisshaar teaches in an analogous art, that The method of claim 43 wherein said GPS receiver is included in said personal communications device. (col.11; 30-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include GPS receiver is included in said personal communications device in order to provide a methods and apparatus for providing services to wireless equipment in a wireless communications system.

45. Regarding Claim 45, Brown disclosed all the particulars of the claim except GPS receiver is included in said vehicle. However, Weisshaar teaches in an analogous art, that The method of claim 43 wherein said GPS receiver is included in said vehicle (col.11; 30-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include GPS receiver is included in said vehicle in order to provide a methods and apparatus for providing services to wireless equipment in a wireless communications system.

60. Regarding Claim 60, Brown disclosed all the particulars of the claim except a wireless communications device for communicating with at least one fixed location. However, Weisshaar teaches in an analogous art, that The method of claim 41 wherein said personal communications device comprises a wireless communications device for communicating with at least one fixed location communications node. (200; fig.5; abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a wireless communications device for communicating with at least one fixed location in order to provide a methods and apparatus for providing services to wireless equipment in a wireless communications system.

61. Regarding Claim 61, Brown disclosed all the particulars of the claim except a node of a terrestrial communications network. However, Weisshaar teaches in an analogous art, that The method of claim 60 wherein said at least one fixed-location communications node comprises a node of a terrestrial (110; fig. 1; abstract) communications network, said network having a plurality of communications nodes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a node of a terrestrial communications network in order to provide a methods and apparatus for providing services to wireless equipment in a wireless communications system.

Claims 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Weisshaar further in view of Walsh et al. [US 20040033795] (hereinafter Walsh)

62. Regarding Claim 62, the above combinations disclosed all the particulars of the claim except deriving information relating to the geographic location of said personal communications device comprises receiving location information from at least one of said communications nodes.

However, Walsh teaches in an analogous art, that The method of claim 61 wherein said deriving information relating to the geographic location of said personal communications device comprises receiving location information from at least one of said communications nodes. (pg.5; 0056). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include deriving information relating to the geographic location of said personal communications device comprises receiving location information from at least one of said communications nodes in order to provide location information system for a wireless communication device.

63. Regarding Claim 63, the above combinations disclosed all the particulars of the claim except fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node.

However, Walsh teaches in an analogous art, that The method of claim 62 wherein said fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node. (pg.5; 0056). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node in order to provide location information system for a wireless communication device.

Claims 64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Weisshaar further in view of Lambert.

64. Regarding Claim 64, the above combinations disclosed all the particulars of the restrictions. However, Lambert teaches in an analogous art, that The method of claim 61 wherein said fixed-location communications node comprises a wireless base station transmitter (col.6; 47-62), and said deriving information relating to restrictions (col.8; 23-33, col.11; 15-22) on the use of personal communications devices in each of a plurality of geographic areas comprises receiving message information from said wireless base station relating to restrictions applicable in at least one region proximate said wireless base station (col.6; 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

65. Regarding Claim 65, the above combinations disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 64 wherein said receiving said message information from said wireless base station relating to restrictions on use of personal communications devices occurs at said personal communications device, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a GPS receiver included in said personal communications device. (col.8; 23-33, col.11; 15-22).



Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

66. Regarding Claim 66, the above combinations disclosed all the particulars of the claim except the restrictions. However, Lambert teaches in an analogous art, that The method of claim 65 further comprising imposing restrictions on use of said personal communications device in response to said determining of restrictions on use of said personal communications device while said predetermined relationship exists. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

67. Regarding Claim 67, Brown disclosed The method of claim 64 wherein said receiving said message information from said wireless base station occurs at said vehicle, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a vehicle-based GPS receiver. (col.6; 59-67).

68. Regarding Claim 68, Brown disclosed The method of claim 67 further comprising imposing restrictions on use of said personal communications device in response to said


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determining of restrictions on use of said personal communications device while said predetermined relationship exists, said imposing being effected by sending a control message from a vehicle-based transmitter to said personal communications device. (col.1; 64-col.2; 2, col.6; 32-58).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8:00-5:30) alternate Fri.( 8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Sharad Rampuria  
Examiner  
Art Unit 2683

15 December 2004